

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, OCTOBER 16, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Roger Handy	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Bill McGaha	Commissioner
	Lynda Berry	Alternate
	Kathy Philpot	Alternate

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2962 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF AMENDED PROFESSIONAL CENTER / 111 EAST FOREST STREET / METRO BUILDERS LLC

APPLICATION #2925 / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

PUBLIC INPUT:

DISCUSSION:

- SUBDIVISION SKETCH PLAN UPDATE / #2966 SKYLINE COMMERCIAL SUBDIVISION
- PROPOSED CHANGES TO THE ZONING ORDINANCE

REGULAR MEETING

Chairman Lane opened the regular meeting at 6:30 p.m. Roger Handy led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

There were no minutes available to approve.

APPLICATION #2962 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF AMENDED PROFESSIONAL CENTER / 111 EAST FOREST STREET / METRO BUILDERS LLC

This is an older condominium development. The building is segregated into separate units. Dr. Andersen has purchased two of them and is consolidating them into one unit. Because it is a condominium, it is treated as part of a subdivision and must go through the subdivision process. Tonight is the required public hearing. There are some technical issues that need to be resolved.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing on application #2962. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing on application #2962. The motion was seconded by Commissioner Poelman and passed unanimously.

Kenneth R. Gray, Metro Builders, came forward. Mr. Gray stated that there is one common wall between the two condominium properties that will be partially removed to open up the space to make more room for patients. Mr. Gray stated that he had just received the staff comments but had not had time to review them. Mr. Teuscher stated that the main issues are some minor corrections to the plat notes and the power department has asked that an easement be put on the east property line. Because it is a condominium, all of the property owners need to sign the plat which needs to be adjusted so they can do so. One of the condos still has a mortgage on it and consent to reconfigure needs to be obtained from them which basically states that the financial institution has no problem with what is going on. Those are the primary issues. An updated copy of the Staff evaluation was given to the Commissioners with the Power Department's request of a 10-foot easement along that property line. There is a power line that runs down the middle of those lots and there currently is no easement. Whenever there is a new subdivision the Power Department tries to get a recorded easement to protect the power lines. Although it is a building, it needs to be considered as if each office is a separate lot. Technically, the property owners own the walls which are the property lines.

MOTION: A motion was made by Commissioner Poelman to recommend approval to the Land Use Authority for application #2962 with the following stipulations; must comply with Utah Code 10-9a-608, must comply with Chapter 25 Subdivision Ordinance and must comply with Staff comments; based on the findings of fact that the applicant shall comply with the Utah Code 10-9a-608 and Brigham City Code Chapter 25 Subdivision Ordinance and such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2925 / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

Mark Teuscher, Paul Larsen and Larry Douglas met with Design Workshop to make the suggested revisions. Those revisions have been made and a copy sent to Mr. Douglas; there has been no response, as yet, from him. This can still be handled as a recommendation to the City Council and any issues that may be remaining worked out. Mr. Teuscher said he understood Mr. Douglas' concerns as he went through the document, line-by-line, with every issue he had. Mr. Teuscher stated that as far as he could tell, all the changes that Mr. Douglas wanted were done.

MOTION: A motion was made by Commissioner Nielsen to recommend application #2925 be forwarded to City Council with a recommendation for approval. The motion was seconded by Roger Handy and passed unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION:

- SUBDIVISION SKETCH PLAN UPDATE / #2966 SKYLINE COMMERCIAL SUBDIVISION

Greg Hansen, Hansen & Associates, came forward. Mr. Teuscher explained that under the new Subdivision Ordinance there is a three step process for subdivisions; the first step in that process is a Sketch Plan. The applicant meets with Staff to review the plan and make comment but no fee is charged. It also requires that Staff bring the results of the Sketch Plan to the Planning Commission.

Mr. Thompson owns the Howard Johnson and is in the process of selling that property. There is about a half acre of property, that fronts on Skyline Drive, that he wants to separate off the Howard Johnson piece. It is not developed and there currently are no improvements on it. The purpose of the subdivision is to separate those pieces so he can sell the Howard Johnson and keep the other.

There is no sidewalk and they will be asking for a deferral on both pieces. Staff's recommendation is to not do anything on that piece and let UDOT fix it. The sidewalk ranking was done on the property and it ranked 4.2 on the very low end of the middle range. It is a discussion issue and it is probably reasonable to defer it at this time. It will be scheduled for a public hearing and staff will update their comments for the Commissioners. The only issue that could be problematic in the future is the possible realignment of Skyline Drive. If in the future the Howard Johnson is redeveloped it would affect this property in some way. The current access to Skyline Drive is not great. Realigning it and moving it south would make it safer to enter and exit that drive. Mr. Peterson needs to be informed that the road could possibly be redesigned and

rebuilt.

Mr. Hansen commented that the sketch plan is a great approach and he likes the new process. Mr. Teuscher commented that it is a better way to address the issues, upfront, before bringing a preliminary plat to the Planning Commission. Mr. Hansen stated that the reason the owner is separating the two lots is because the buyer of the motel has no interest in the other parcel and does not want it.

- PROPOSED CHANGES TO THE ZONING ORDINANCE

As discussed in the work session, there are some adjustments and changes to the Zoning Code that Staff would like to make. In General Provisions, two sections have been added; Temporary Zoning Ordinance and Pending Ordinance. This is procedural. The Temporary Zoning Ordinance section is exactly the same as the State Code which is codifying our Code. Since Utah Code does not allow a moratorium this section is put in place as a Temporary Zoning Ordinance. The City Council could enact a temporary zoning ordinance without the comments of the Planning Commission.

The General Provisions section protects the City when an ordinance is pending and an application comes in for approval. The application would have to comply with the new pending ordinance. It also has a 6-month time frame attached to it.

Due to changes, clarification of the definition of a 'through lot' was done. The definition for a 'through or double frontage lot' was added. Chairman Lane asked if the sign ordinance was going to be reevaluated as well because of the addition of a through or double frontage lot.

A section was added to deal with decks. The Building Code does not differentiate the height of a deck. It used to not require a permit if it was less than one-foot. Now anything that is part of the deck requires a permit. Anything less than 36-inches which is uncovered will be treated as a landscaping feature and allow encroachment to within any side or rear property line in the rear yard. Decks are being used more as landscaping and replacing grassy areas. Tiering could be required within a certain distance of the property line. The intent here is to try to stop brow-beating property owners over things that really are not that important. Different things could be required such as height limitations. In rear yards, the setback is 25-feet. It was suggested to reword this addition and add the tiering toward the property line.

It was suggested that with the Temporary Zoning Ordinance and Pending Ordinance amendments be scheduled for public hearing at the next meeting. The other items will be reworked by Staff and brought back for discussion again.

MOTION: A motion was made by Roger Handy to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

The meeting adjourned at 7:00 p.m.

This certifies that the regular meeting minutes of October 16, 2007 are a true and accurate copy as approved by the Planning Commission on November 06, 2007.

Signed: _____
Jeffery R. Leishman, Secretary